

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:

EDWARDLO AND AUDREY HOLMES,  
DEBTORS

§  
§  
§  
§  
§

CASE NO. 20-40912  
(Chapter 7)

**MOTION FOR AUTHORITY TO REJECT LEASE OF SUNRUN INC. ON PROPERTY  
LOCATED AT 3368 N. ALMOND DRIVE, RIALTO, CA. 92377**

**Notice**

Your rights may be affected by the relief sought in this pleading. You should read this pleading carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you oppose the relief sought by this pleading, you must file a written objection, explaining the factual and/or legal basis for opposing the relief.

No hearing will be conducted on this pleading unless a written objection is filed with the Clerk of the United States Bankruptcy Court and served upon the party filing this pleading **WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE** listed in the certificate of service unless the court shortens or extends the time for filing such response. If no objection is timely served and filed, this pleading shall be deemed to be unopposed, and the court may enter an order granting the pleading. If an objection is filed and served in a timely manner, the court will thereafter set a hearing with appropriate notice. If you fail to appear at the hearing, your objection may be stricken. The court reserves the right to set a hearing on any matter.

**TO THE HONORABLE BRENDA T. RHOADES, U.S. BANKRUPTCY JUDGE:**

Christopher J. Moser, Trustee ("**Trustee**") files his Motion for Authority to Reject Lease of Sunrun Inc. on Property Located at 3368 N. Almond Drive, Rialto, Ca. 92377 ("**Motion**") pursuant to the provisions of 11 U.S.C. §365 as follows:

1. On April 2, 2020, Edwardlo and Audrey Holmes ("**Debtors**") filed with this Court a voluntary petition under Chapter 7 of the Bankruptcy Code.
2. Christopher J. Moser is the acting Chapter 7 Trustee of the Debtors' bankruptcy estate.
3. The bankruptcy estate owns real property and improvements located at 3368 N. Almond Drive, Rialto, Ca. 92377 (the "**Real Property**"). Christopher J. Moser is the acting Chapter 7 Trustee of the Debtors' bankruptcy case.

4. The Real Property receives electric service from Sunrun Inc. (“**Sunrun**”), a solar energy producer which provides leased equipment on the Real Property. The Independent Solar Energy Producer Contract with Sunrun is a 20-year lease which terminates on November 4, 2036 (the “**Lease**”). A copy of the Lease is attached hereto as “**Exhibit A.**”

5. Trustee intends to sell the House. The Court entered an *Agreed Order Authorizing Trustee to Sell Real Property Free and Clear of All Liens, Claims and Encumbrances Located at 3368 N. Almond Drive, Rialto, Ca. 92377* [Dkt. No. 27] authorizing the Trustee to sell the House (“**Agreed Sale Order**”).

6. In that regard, the Trustee must reject the Lease and so that the House can be sold in an expeditious fashion pursuant to the Agreed Order.

7. Trustee seeks an order of this Court authorizing him to reject the Lease.

**WHEREFORE, PREMISES CONSIDERED** Trustee prays that this Court authorize the Trustee to reject the Lease and that Trustee be granted such other and further relief to which he may be justly entitled.

Respectfully submitted,

**QUILLING, SELANDER, LOWNDS,  
WINSLETT & MOSER, P.C.**

2001 Bryan Street, Suite 1800

Dallas, Texas 75201-4240

Telephone: (214) 880-2100

Facsimile: (214) 871-2111

[fpatel@qslwm.com](mailto:fpatel@qslwm.com) (Email)

By: /s/ Frank S. Patel

Christopher J. Moser

State Bar No. 14572500

Frank (Faizan) S. Patel

State Bar No. 24116882

ATTORNEYS FOR TRUSTEE

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served by electronic transmission via the CM/ECF system upon all parties registered to receive electronic notice in this bankruptcy case, and/or regular U.S. mail, postage prepaid, on this 25<sup>th</sup> day of January 2021 on the following:

Office of the U.S. Trustee  
110 N. College Ave., Suite 300  
Tyler, TX 75702  
(Via ECF)

Edwardlo and Audrey Holmes  
2405 Dartmouth Drive  
Flower Mound, TX 75022  
(Via regular mail)

Daniel C. Durand, III  
Durand and Associates  
522 Edmonds, Suite 101  
Lewisville, TX 75067  
(Via ECF)

Erica Williams  
3368 N. Almond Drive  
Rialto, Ca. 92377  
(Via First-Class mail)

Sunrun Inc.  
P.O. Box 4387  
Portland, OR 97208

Sunrun Inc.  
225 Bush Street, Ste. 1400  
San Francisco, CA 94104

Sunrun Inc.  
c/o Corporation Service Company  
D/B/A CSC-Lawyers INCO  
211 E. 7<sup>th</sup> Street, Suite 620  
Austin, TX 78701

Tenant  
3368 N. Almond Drive  
Rialto, Ca. 92377  
(Via First-Class mail)

Select Portfolio Servicing, Inc.  
3217 S. Decker Lake Drive  
Salt Lake City, Ut. 84119  
Thousand Oaks, Ca. 91362  
(Via regular mail)

Select Portfolio Servicing, Inc.  
Attn: Bankruptcy Department  
P.O. Box 65250  
Salt Lake City, Ut. 84165  
(Via regular mail)

Stephen Wu, Esq.  
Parkway Office Center, Suite 900  
14160 Dallas Parkway  
Dallas, Texas 75254  
(Via regular mail)

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, Pa. 19101-0424  
(Via regular mail)

/s/ Frank S. Patel